United Nations A/73/346–S/2018/597

General Assembly
Security Council

Distr.: General
27 August 2018

Original: English

General Assembly
Seventy-third session
Items 38 and 39 of the provisional agenda*

The situation in the Middle East

Question of Palestine

Security Council
Seventy-third year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with the request of the General Assembly in paragraph 27 of its resolution 72/14. The report, which covers the period from September 2017 through August 2018, contains a reply received from one of the parties concerned to the note verbale sent by the Secretary-General pursuant to the request contained in resolution 72/14, as well as the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward, with a view to achieving a peaceful settlement of the question of Palestine.

* A/73/150.

18-14062 (E) 140918

Please recycle

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 72/14.

2. On 5 July 2018, pursuant to the request contained in paragraph 27 of resolution 72/14, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 72/14, which the General Assembly adopted on 30 November 2017, at its seventy-second session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 27 of the resolution requested the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, including with regard to the reporting required pursuant to resolution 2334 (2016), towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its seventy-third session a report on these efforts and on developments on this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 20 July 2018.
>
> "Recalling the Secretariat's obligation to observe the page limit of its reports, pursuant to General Assembly resolution 52/214, I would like to encourage the Security Council to limit its submission to 1,500 words."

3. As at 22 August 2018, no response had been received to that request.

4. In a note verbale dated 21 May 2018, I sought the positions of States Members of the United Nations, in particular the concerned Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the State of Palestine, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 22 August 2018, replies had been received from the Permanent Missions of Cuba and Japan and from the Permanent Observer Mission of the State of Palestine.

5. The note verbale dated 13 July 2018 from the Permanent Observer Mission of the State of Palestine to the United Nations reads as follows:

> "By its resolution 72/14, the General Assembly reaffirmed its longstanding, authoritative stance on the question of Palestine in all its dimensions and reflected on the efforts of the international community to achieve a just, lasting, peaceful solution. The principles affirmed therein, in line with international law and other relevant resolutions, continue to comprise the fundamental pillars of a solution, and the support given to the resolution reaffirms the international consensus in this regard.
>
> "In a year marking the fiftieth year of Israel's occupation of Palestinian and Arab territories and the seventieth year since the adoption of General Assembly resolution 181 (II) partitioning Mandate Palestine, the Assembly overwhelmingly supported the adoption of resolution 72/14; the debate was characterized by repeated calls for an end to the Israeli occupation that began in 1967; for measures to ensure the inalienable rights of the Palestinian people, foremost to self-determination; and for responsible international action to peacefully resolve the Israeli-Palestinian conflict, in line with the relevant resolutions, including Security Council resolution 2334 (2016) and General Assembly resolution 194 (III). Numerous delegations stressed that this conflict remains a primary source of instability and insecurity in the region and that the

question of Palestine remains the key to peace and a litmus test for the capacities of the Security Council and General Assembly to ensure the rule of law and accountability for its violation.

"The demands of the General Assembly in resolution 72/14, underscoring the international consensus and exigency of peace efforts, echo the demands of the Security Council in resolution 2334 (2016).

"Council resolution 2334 (2016), which was welcomed globally, was also welcomed and endorsed by the Palestinian leadership, which remains steadfast in its commitment to the path of peace and achieving freedom, rights and justice on this path, and consistently strives to uphold all relevant United Nations resolutions. This includes a firm commitment to non-violence and the pursuit of peaceful, political, diplomatic and legal means for the attainment of Palestinian rights and a just solution, and cooperation with all international and regional efforts to that end.

"Regrettably, in contrast to the global welcome and importance accorded to resolution 2334 (2016), we continue to witness the extremely hostile reaction of Israel, the occupying Power, to the Security Council's action, and indeed to any General Assembly action in this regard, including the adoption of resolution 72/14. Despite the fact that the resolution was adopted in full conformity and consistency with the Charter of the United Nations, international law, the relevant resolutions and the longstanding consensus on this matter, the Israeli Government has vehemently rejected it, aggressively pursuing its illegal policies and measures in Occupied Palestine, including East Jerusalem, in blatant contempt of resolutions 2334 (2016), 72/14 and other core resolutions, in grave violation of its legal obligations, including under Article 25 of the Charter, and in total contradiction to the two-State solution, which is dependent on the full, immediate cessation and reversal of such illegal activities.

"Since the adoption of resolution 72/14, Israel's settlement and land grab activities have continued unabated, including: announcements and decisions on the construction of further settlements, including wall construction; the forced displacement of thousands more Palestinians, including Bedouin families, particularly in the areas of Occupied East Jerusalem and the Jordan Valley, including in the sensitive so-called "E-1" area; the confiscation of huge tracts of land; and the destruction of hundreds more Palestinian homes and properties to facilitate the expansion of Israeli settlements and the illegal wall. Members of the Israeli Government, along with other extremist voices, have also pushed for Israeli annexation plans, with some Israeli politicians explicitly calling for annexation of the West Bank.

"Yet, despite Israel's flagrant violations, the Palestinian leadership continues to adhere to a peaceful path and has repeatedly reaffirmed its readiness to engage in good faith in peace efforts based on the rule of law and United Nations resolutions, as it has done throughout the decades of the Middle East peace process at every stage. It must be restated here: for nearly 30 years, Palestine's position has mirrored the global consensus on the two-State solution. This began with the acceptance by the Palestine National Council of the solution set out in the 1988 Declaration of Independence, a major compromise agreement to establish the Palestinian State on only 22 per cent of its historic homeland, for the sake of realizing Palestinian rights, including to freedom and independence, and the establishment of a lasting peace. This compromise remains the primary testament to our commitment to peace and, with the 2002 Arab Peace Initiative, represents the boldest contribution towards solving the conflict and should be recognized as such.

"The Palestinian commitment to a solution of two-States, based on the pre-1967 borders in accordance with international law, United Nations resolutions, the Madrid principle of land for peace, the Arab Peace Initiative and the Quartet road map, has been clearly reaffirmed, including at the highest levels by President Mahmoud Abbas and the Executive Committee of the Palestine Liberation Organization. In his address to the Security Council, on 20 February 2018, President Abbas reiterated the calls for a multilateral political process to achieve the two-State solution, based on those longstanding parameters and international consensus, and reaffirmed his readiness to engage, including in an international peace conference. We have appealed to the Security Council and to members of the Quartet to uphold their obligations and to exert every possible effort to this end, in cooperation with concerned regional partners and the League of Arab States and with the vital support of the Organization of Islamic Cooperation, the Movement of Non-Aligned Countries and all peace-loving nations.

"This commitment has been further bolstered by repeated pledges to peacefully resolve the conflict, in accordance with the Charter, international law and the relevant United Nations resolutions, as confirmed, inter alia, in the application by the State of Palestine on 28 September 2011 for membership in the United Nations; in Palestine's accession to numerous international treaties and conventions; in our bilateral and multilateral engagement with the international community, including in the context of diplomatic and cooperation agreements concluded with many States that have recognized Palestine; in all of Palestine's official communications and interventions at the United Nations; and as reflected in the relevant provisions of declarations by the League of Arab States, the Movement of Non-Aligned Countries, the Organization of Islamic Cooperation and the Group of 77.

"Furthermore, this commitment has been borne out by the cooperation of the Palestinian leadership with, inter alia, efforts by the members of the Quartet, collectively and individually, as reflected in the series of meetings held by President Abbas and other high-level Palestinian officials throughout 2017 and 2018. This also includes support for the reaffirmation of the Arab Peace Initiative by the Arab Summit, held in Riyadh in April 2018, despite the failure of Israel to respond to or to reciprocate with regard to the Initiative since it was first adopted in 2002.

"Despite all obstacles and Israel's consistently bad-faith engagement, Palestine has also engaged for over two decades in good-faith negotiations to end the occupation and achieve a just and comprehensive peace agreement and the rights of the Palestinian people. The Palestinian leadership has even engaged in efforts with the new United States administration of President Donald J. Trump to advance peace, including affirmation of its readiness to engage in negotiations, up until the extremely regrettable decision by the United States administration, on 6 December 2017, to recognize 'Jerusalem as the capital of Israel' and to transfer the United States Embassy to the city, in contravention of Security Council resolutions and the solid international consensus.

"Prior to the decision of the United States, and immediately thereafter, Palestine affirmed that any decision or action by whomever, and whenever contrary to the numerous Security Council resolutions on Jerusalem, including resolutions 476 (1980) and 478 (1980) and 2334 (2016), would not be accepted, either by Palestine or by the international community. We also recall the Council's affirmation in resolution 2334 (2016) that 'it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations,' as well as the clear

acknowledgment of the legitimate interest of the international community as a whole in the question of Jerusalem, and the unequivocal prohibition on the acquisition of territory by force.

"The provocative decision by the United States, obviously intended to prejudge the outcome of negotiations for a solution to the Israeli-Palestinian conflict, totally contradicts ongoing international and regional efforts to create the conditions conducive for meaningful negotiations for a peaceful solution, and has undermined the role of the United States in the pursuit of peace and as a credible and impartial broker. The Palestinian leadership remains insistent that a comprehensive and just solution to the question of Palestine cannot be achieved without a just solution to the question of Jerusalem, and without East Jerusalem as the capital of Palestine.

"Moreover, peace cannot be achieved without restoring the primacy of international law to efforts to resolve the conflict. A solution must be based on international law and the relevant United Nations resolutions: negotiations on that basis, including on the final status issues, not unilateral, unlawful imposition of facts on the ground, are the means to achieve such a just, peaceful solution. As reflected in the Secretary-General's agenda for the United Nations, the peaceful resolution of conflicts requires a human rights, justice and development perspective, not just a security perspective, and the root causes of conflict must be addressed.

"We have never sought, and do not assume to be able, to force a solution, as the occupying Power and its supporters do; we have simply and transparently sought the application of the law to bring an end to the conflict and achieve our rights. At every juncture and in every appeal, this is all we have asked for; nothing beyond what we are entitled to as a people according to international law, and nothing beyond what is legislated in United Nations resolutions and affirmed in the advisory opinion rendered by the International Court of Justice on 9 July 2004.

"In this regard, we recall that the international consensus was again reaffirmed in the Security Council following the announcement by the President of the United States on Jerusalem. The overwhelming majority of the Council, 14 Member States, stood firm in rejection of this decision and in compliance with relevant resolutions and their Charter obligations, despite the United States veto of the draft resolution presented for a vote on 18 December 2017. The General Assembly, in its resumed tenth emergency special session on 21 December 2017, adopted resolution ES-10/19, which also stressed the longstanding international position on Jerusalem, reaffirming the Assembly's compendium of relevant resolutions along with those of the Security Council.

"Unfortunately, the decision of the United States has emboldened Israel's illegal actions in Jerusalem and the rest of the Occupied Palestinian Territory, effectively rewarding its intransigence and supporting its impunity, and has emboldened other States, including Guatemala and Paraguay, to flout the law and United Nations resolutions, undermining efforts to achieve a peaceful settlement.

"As briefly reflected in resolution 72/14, these Israeli violations include: an unlawful colonization campaign and actions aimed at facilitating settlement activities; Israeli settler violence and terrorism, with a weekly average of five attacks since the beginning of 2018; military raids causing Palestinian civilian casualties; arbitrary arrest and detention operations and imprisonment of 5,900 Palestinians, including children and women, who are routinely exposed to physical and psychological abuse and torture, with the male population most

severely affected; restrictions on movement and other fundamental freedoms, including to worship, education, health care, development and water; imposition of an 11-year blockade on Gaza, isolating and collectively punishing the 2 million Palestinians living there; and regular military aggressions against the densely-populated enclave.

"Despite the calls to lift its inhumane, illegal blockade of Gaza, Israel continues to unleash its wrath against the population living there. Since the adoption of resolution 72/14, and particularly during the "Great Return March", a large-scale peaceful civilian protest against Israel's illegal occupation, oppression and dispossession of the Palestinian people, which launched on 30 March 2018, lethal, indiscriminate force has been routinely used by occupying forces against Palestinian civilians, causing wilful and wanton death and injury, including the massacre of 69 Palestinian civilians on 14 May, in grave violation of international law. Overall, more than 140 Palestinians have been killed by the occupying forces since 30 March, including 19 children, and 15,200 people have been injured.

"Israeli incitement and inflammatory rhetoric regarding Jerusalem and provocations and violence by Jewish extremists against Muslim and Christian holy sites, particularly targeting Al-Haram Al-Sharif, also continue to stoke sensitivities and threaten to trigger a dangerous religious conflict. Such violations are being perpetrated jointly by the occupying Power, its occupying forces and extremist settlers.

"Against this backdrop, it should be considered extraordinary that our commitment to a peaceful path has endured. Over the decades, the Palestinian Government and national institutions have also taken measures to mitigate the occupation's devastating consequences, allay tensions, ensure calm and security, restore hope and preserve peace prospects in every sector, as reflected in the priorities set out in successive Palestinian National Development Plans presented by Prime Minister Rami Hamdallah and preceding Governments, and also in the United Nations Development Assistance Framework. The programmes of United Nations agencies, with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) at the forefront, along with the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Office of the United Nations Special Coordinator for the Middle East Peace Process, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other organizations, have been instrumental in this regard, as has been the assistance and solidarity extended to Palestine by concerned States from every corner of the globe. Our work with the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians is also relevant in this regard.

"Such support has been exemplary in the case of UNRWA, which has received generous voluntary funding from donor countries since its establishment in 1949. Throughout the year, and in the light of the sudden, dramatic funding cut to UNRWA by the United States administration in January 2018, Palestine has persisted with efforts to foster more predictable, sufficient and sustained support for UNRWA to assist it in effectively carrying out its mandate. These efforts recognize the indispensability of the humanitarian and development aid provided by UNRWA; its critical stabilizing role in the region; and the commitment made in the New York Declaration for Refugees and Migrants to ensure sufficient funding to the Agency, pending a just solution. Our engagement on this also constitutes a substantial contribution to the just peace we seek.

"We have also repeatedly underscored the international obligation to ensure the protection of the Palestinian people, in accordance with international humanitarian and human rights law and the many relevant resolutions aimed at protecting and ensuring the safety and well-being of civilians, for this obligation has not only been abdicated by Israel, the occupying Power, but it is being intentionally, grossly and systematically violated by it. Moreover, it is unquestionable that the de-escalation of the situation and efforts to ensure civilian protection and well-being can only contribute to peace efforts."

"Thus, despite the failure of the Security Council to address the protection crisis, due to the veto cast by the United States on 1 June 2018 on a draft resolution presented by Kuwait in its capacity as the Arab representative on the Council, we persisted in our efforts to address the Palestinian people's protection needs. We welcome the adoption of resolution ES-10/20 by the General Assembly on 13 June 2018, as a contribution to defusing tensions, deterring violence against civilians and advancing consideration of measures to ensure the safety, well-being and protection of the Palestinian civilian population, beginning with a request that the Secretary-General submit a report containing proposals on means towards this end, including recommendations regarding an international protection mechanism.

"While our efforts and international support have been constant, what remains absent is the political will to implement the relevant Security Council and General Assembly resolutions central to achieving a peaceful settlement. The continued failure of the Security Council on this issue has been a direct result of both Israeli intransigence and disrespect and the paralysis caused by the veto power of one permanent member. Insufficient pressure has been exerted on the Israeli Government to cease its violations and destruction of the two-State solution, and the prospect of a peaceful future for the Palestinian and Israeli peoples will continue to remain an illusion as long as the occupying Power feels shielded from accountability in this regard.

"Among recent steps in the right direction, including efforts undertaken in the General Assembly and the Security Council, was the decision of the Human Rights Council, on 18 May 2018, to establish an independent, international commission of inquiry, with a mandate to investigate all cases of death and injury since 30 March and to ensure accountability for the violations of international law that took place in the context of the large-scale civilian protests in Gaza.

"This investigation must reinforce serious, collective efforts at the United Nations during this period to bring the monumental injustice faced by the Palestinian people to an end. As reaffirmed in General Assembly resolution 72/14, the United Nations has a permanent responsibility towards the question of Palestine until it is justly resolved in all aspects, and it must act accordingly. The Security Council, in particular, has the authority and legal tools to remedy this situation and it must act immediately to uphold its duties under the Charter and to implement its resolutions towards realization of a just, peaceful solution.

"It must be signaled to the occupying Power that its defiance will no longer be tolerated and that it must halt all violations. This is critical for creating an environment conducive to the credible dialogue and negotiations needed to bring about an end to the Israeli occupation that began in 1967; to finally achieve the independence of the State of Palestine, with East Jerusalem as its capital; and to establish lasting peace, security and coexistence between the Palestinian and Israeli peoples on the basis of the two-State solution and in accordance with the relevant United Nations resolutions, including resolution 72/14."

II. Observations

6. International efforts to promote the peaceful settlement of the question of Palestine continued during the reporting period. The Middle East Quartet envoys met on two occasions and consulted throughout the year. On 31 January 2018, Norway and the European Union convened an extraordinary ministerial meeting of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, at which members reiterated support for the two-State solution in line with relevant United Nations resolutions. At its meetings, the League of Arab States also reiterated its support for a peaceful resolution of the Question of Palestine.

7. On 6 December 2017, the United States recognized Jerusalem as the capital of Israel, while calling on all parties to maintain the status quo at Jerusalem's holy sites and stating that final status issues remain up to the parties. On 21 December, the General Assembly held a special session on the status of Jerusalem and adopted resolution ES-10/19, affirming that "any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council". The United States opened its Embassy to Israel in Jerusalem on 14 May 2018. This move, followed on 16 and 21 May by similar actions by Guatemala and Paraguay, was objected to by the Palestinian Authority and members of the international community, including several other States, the Organization of Islamic Cooperation and the League of Arab States.

8. The Palestinian leadership has since ceased its engagement with the United States, and has called for the establishment of a new international mechanism to oversee the peace process, stating that it will continue to pursue State recognition and full membership in international organizations. On 20 February 2018, the President of the Palestinian Authority, Mahmoud Abbas, addressed the Security Council and called for an international peace conference, to be held by mid-2018, that would form a multilateral mechanism to assist the two parties in the negotiations to resolve all permanent status issues. During the reporting period, the State of Palestine acceded to a number of international treaties, conventions, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, and organizations, including the United Nations Conference on Trade and Development and the United Nations Industrial Development Organization.

9. With regard to Security Council resolution 2334 (2016), I delivered four reports to the Security Council on the implementation of the resolution, in which I noted with concern the lack of implementation of particular provisions. I remain committed to working with all concerned parties to find a peaceful, negotiated solution to the conflict based on the two-State solution. I have reiterated the well-known position of the United Nations that Jerusalem is one of the key final status issues that must be resolved, based on relevant United Nations resolutions and previous agreements, taking into account the legitimate concerns of both sides, to realize the national aspirations of Palestinians and Israelis.

10. On 12 October 2017, Palestinian factions signed an agreement, facilitated by Egypt, to allow the return of the Palestinian Government to Gaza, which could lead to reconciliation. The Gaza crossings were nominally handed over to the Palestinian Authority on 1 November, and public-sector employees recruited by the Palestinian Authority prior to 2007 registered in preparation for the establishment of a unified work force. Obstacles arose in subsequent talks, however, including over questions related to the full empowerment of the Palestinian Government in Gaza, the integration of public sector employees and the collection of revenue in Gaza. The

process was also seriously challenged on 13 March 2018, when the convoy of Palestinian Authority Prime Minister Rami Hamdallah came under attack by the detonation of a roadside bomb in Gaza, which, lightly injured six people. I strongly condemned this attack and commended Prime Minister Hamdallah for remaining committed to the peace process. I welcome the continued engagement of Egypt in this regard and call on Palestinian factions to move forward with implementing the intra-Palestinian agreement of 12 October 2017 and advancing genuine Palestinian unity on the basis of democracy and the principles set out by the Palestine Liberation Organization and the members of the Quartet. I reiterate that Palestinian unity is a key step in reaching the larger objective of a Palestinian State and lasting peace.

11. During the reporting period, the situation on the ground was characterized by the most significant violence in Gaza since the hostilities of 2014. The situation deteriorated following the start of the "Great March of Return" protests on 30 March 2018, with tens of thousands of Palestinians protesting at or near the perimeter fence between Israel and the Gaza Strip. During the reporting period, 194 Palestinians, including 29 children, were killed in Gaza, 59 on 14 May alone, and an additional 13 Palestinians died of wounds sustained that day, the peak of the protests. Hamas and Islamic Jihad have publicly acknowledged that a number of their members were among those killed in the protests and other incidents. According to the Gaza Ministry of Public Health, during the protests, more than 3,700 Palestinians were wounded by live ammunition resulting in life-altering injuries. One Israeli soldier was killed by sniper fire from Gaza, the first such Israeli fatality since 2014, and five Israeli soldiers were injured near the perimeter fence.

12. Among the thousands of peaceful demonstrators, hundreds reportedly attempted to breach the fence, burned tires, threw rocks and fire bombs at Israeli forces or their posts, launched incendiary kites and balloons and laid improvised explosive devices, at least two of which exploded at or near the fence. According to the Israeli authorities, incendiary kites and balloons caused large fires that burned and damaged thousands of acres of agricultural fields and nature reserves. On three occasions, Palestinian protesters attacked the Kerem Shalom crossing and severely damaged the infrastructure on the Palestinian side, temporarily hampering the delivery of urgently needed humanitarian assistance.

13. This period also constituted the most serious escalation in Gaza since the war in 2014. On 29 May alone, reportedly in response to the deaths in Gaza, nearly 200 rockets and mortars rounds were fired from the Gaza Strip towards Israel. The majority of the projectiles were intercepted by Israel's Iron Dome defence system, while one mortar reportedly landed in the grounds of a kindergarten in the Eshkol Regional Council, causing no injury. Three Israeli soldiers and two civilians were reportedly injured in other incidents. The Israeli Defense Forces responded by striking targets it attributed to both Hamas and the Islamic Jihad, who had claimed joint responsibility for the attacks.

14. On 14 and15 July 2018, another military escalation ensued between Palestinian militants and the Israeli Defense Forces. Two Palestinian teenagers were killed in an airstrike in Gaza city and 25 were injured by Israeli strikes. Three Israelis were also wounded from a rocket that landed on a residential home in the Israeli town of Sderot.

15. My Special Coordinator for the Middle East Peace Process has been in communication with both sides and with Egypt throughout the crisis. In a press conference in Gaza on 15 July, he warned that Gaza was on the brink of what could be a devastating war. I repeat my unequivocal condemnation of all the actions that have cost so many lives and urge all sides to urgently step back from the brink of another devastating conflict.

16. Following the demonstrations in Gaza, the Security Council held three extraordinary sessions; the Organization of Islamic Cooperation held an extraordinary summit in Istanbul on 18 May; and the League of Arab States Foreign Ministers met in Cairo on 17 May. On 18 May, the Human Rights Council adopted resolution S-28/1, in which it decided "to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018".

17. On 22 May 2018, pursuant to articles 13 (a) and 14 of the Rome Statute of the International Criminal Court, the State of Palestine asked the Prosecutor of the Court to investigate, in accordance with the temporal jurisdiction of the Court, past, ongoing and future crimes within the court's jurisdiction, committed in all parts of the territory of the State of Palestine. Following the referral, in a statement on 22 May, the Prosecutor, Fatou Bensouda, noted that since 16 January 2015, the situation in Palestine had been subject to a preliminary examination in order to ascertain whether the criteria for opening an investigation had been met. She also noted that the preliminary examination had seen important progress and that the investigation would continue to follow its normal course, strictly guided by the requirements of the Rome Statute.

18. On 13 June 2018, at the tenth emergency special session of the General Assembly, resumed at the request of Algeria (as Chair of the Arab Group) and Turkey (as Chair of the Organization of Islamic Cooperation), the Assembly adopted resolution ES-10/20, entitled "Protection of the Palestinian Civilian Population", by a vote of 120 in favour, 8 against and 45 abstentions. The resolution was adopted after a failed attempt to adopt a similar resolution in the Security Council put forward by Kuwait on 1 June 2018. In resolution ES-10/20, the Assembly requested the Secretary-General to examine the situation and to submit a written report within 60 days containing his proposals on ways and means of ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation, including recommendations regarding an international protection mechanism. I submitted my report on the protection of the Palestinian civilian population to the General-Assembly on 14 August. (A/ES-10/794)

19. I reiterate that Israel has a responsibility to exercise maximum restraint in the use of live fire and not to use lethal force, except as a last resort, against imminent threat of death or serious injury. It must protect its citizens, but it must do so with due respect for international humanitarian law.

20. The actions by Hamas, Palestinian Islamic Jihad and other militant groups in Gaza put at risk not only the lives of Israelis and Palestinians, but also the efforts to ensure a liveable future for the people of Gaza. The indiscriminate firing of rockets at civilian populations may constitute a violation of international humanitarian law. Such activities must cease; escalation only costs more precious lives.

21. While Security Council resolution 2334 (2016) called upon both parties "to refrain from provocative actions, incitement, and inflammatory rhetoric", such actions and statements continued during the reporting period. I urge leaders on all sides to stop the incitement and to stand, consistently and unequivocally, against acts of terror and violence in all its forms.

22. On 30 April 2018, during his opening speech at the Palestinian National Council, the President of the State of Palestine, Mahmoud Abbas, made statements that included the unacceptable suggestion that the social behaviour of Jews was the cause of the Holocaust. Those statements were widely condemned by the international

community, and Mr. Abbas subsequently apologized. At the height of the Gaza protests, a senior Hamas official called on protestors to "take down the border and tear out their [Israelis] hearts", one of several public calls by Hamas leaders inciting protestors to violence, including on social media Meanwhile, Fatah's official social media pages continued to glorify the perpetrators of past terror attacks.

23. Israeli officials also made provocative statements, with one Member of Knesset saying that Palestinian teenager Ahed Tamimi, who was tried and imprisoned for slapping a soldier, should have "gotten a bullet, at least in the kneecap". Others called for the killing of civilians in Gaza who launch incendiary kites, annexing the settlements and openly rejecting Palestinian statehood.

24. Stabbings and shootings by Palestinians targeting Israelis and clashes between Palestinians and Internal Security Forces, also continued to claim lives. Aside from the demonstrations in Gaza, 87 Palestinians were killed throughout the Occupied Palestinian Territory, four were perpetrators or alleged perpetrators of attacks in the West Bank and more than 3,000 Palestinians were injured during the reporting period. Five Israeli civilians and six security forces personnel were killed, and more than 70 Israelis, civilians and security forces personnel were injured.

25. I remain concerned about the general state of human rights and freedoms in the Occupied Palestinian Territory. Throughout the reporting period the Israeli Defense Forces continued to conduct search and arrest operations, while the Palestinian Authority continued arrests of suspected Hamas affiliates in the West Bank. At the end of May 2018, 440 Palestinians were being held by Israeli authorities under administrative detention. I reiterate my earlier calls to end the practice of administrative detention and either to charge all detainees, or to release them immediately.

26. As at the end of June 2018, 446 Palestinians were being held in administrative detention, including 4 children. All children should be treated with due consideration for their age, and they should only be detained in situations justified under international humanitarian law or applicable human rights norms.

27. The shrinking space for civil society organizations and human rights defenders remains a cause for concern. There have been incidents where the Palestinian Authority and Hamas have taken actions that have resulted in limits on freedom of expression and, in some cases, arbitrary arrests and the violent suppression of protests. Israel has imposed new restrictions and requirements that could have an impact on Israeli human rights organizations, including some that carry out advocacy work or provide direct humanitarian or legal assistance to Palestinians in the Occupied Palestinian Territory. The Israeli authorities have also detained or restricted the movement of Palestinians for exercising their right to freedom of expression. In its resolution 2334 (2016), the Security Council called on Israel to take steps "to cease all settlement activities in the occupied Palestinian territory, including East Jerusalem". No such steps have been taken during the reporting period. Instead, settlement activities have continued. During the reporting period, Israeli authorities advanced or approved plans and announced tenders for over 6,000 housing units in settlements in Area C of the occupied West Bank.

28. On 30 May 2018, Israel decided to advance, approve and tender some 3,500 housing units in the occupied West Bank, the largest number of advancements granted at one time since June 2017. One third of those units are in settlements in outlying locations deep in the West Bank. On 1 August, the Israeli Civil Administration confirmed its intention to expand the municipal boundaries of the Amichai settlement to include the outpost of Adei Ad. If implemented, this would result in the first outpost legalization, under Israeli law, since 2014. On 14 August, Israeli authorities announced they would publish a tender for 603 units in the Ramat Shlomo settlement

in East Jerusalem, the first such announcement since 2016. In Area C, a tender for an additional 511 housing units was published, and construction based on previously approved plans continued. I reiterate the long-standing position of the United Nations that all settlement activities are illegal under international law and an obstacle to peace. Settlements create yet more obstacles to advancing a negotiated two-State solution. I reiterate that all settlement activity in the Occupied Palestinian Territory, including East Jerusalem, constitutes a flagrant violation under international law, as stated in resolution 2334 (2016), and must cease immediately and completely.

29. In January 2018, the Knesset passed an amendment to the "Basic Law: Jerusalem, Capital of Israel." This change would make it more difficult for Israel to transfer territories that are currently within the Israeli-defined Jerusalem municipality boundaries to a future Palestinian State by requiring a super-majority of 80 votes in the Knesset. The amendment also lowers the threshold required by the Knesset to make changes to Jerusalem's municipal boundaries to a simple majority. On 7 March, the Knesset also approved an amendment to the "Entry to Israel Law", allowing the revocation of permanent residency status of Palestinians in East Jerusalem involved in terrorist activities, treason or espionage, as defined in Israeli law.

30. Demolitions and seizures of Palestinian-owned structures continued across the occupied West Bank, including East Jerusalem. During the reporting period Israeli authorities demolished or seized 326 structures, citing the absence of building permits, which are extremely difficult to obtain in Area C and East Jerusalem. Over 350 people, including 185 children, were displaced and the livelihoods of over 7,160 people were affected.

31. Throughout the reporting period, the United Nations continued warning about the heightened risk of demolition and displacement of several Bedouin communities. On 1 August 2018, Israel's High Court of Justice indicated it did not find sufficient reason to prevent the demolition of the Bedouin village of Khan al-Ahmar. It instructed the State to present an alternative relocation site, on which the parties have not agreed. Demolition is on hold while the Court considers the case. I reiterate that demolitions and forcible evictions, carried out when there is no military need, contravene international humanitarian law and international human rights law.

32. According to the Office for the Coordination of Humanitarian Affairs, and reflecting an increase in the number of incidents, 203 violent incidents involving Israeli settlers and resulting in Palestinian casualties or property damage were documented during the reporting period, resulting in 3 Palestinians killed and 92 injured, as well as damage to property.

33. Palestinians continued to advance their State-building programme, albeit limited to the territory under the control of the Palestinian Authority, which excludes Area C, East Jerusalem and Gaza. The United Nations continued its assistance to the Palestinian people throughout the reporting period (see A/73/84–E/2018/72). In December 2017, the 2018–2020 Humanitarian Response Plan for the occupied Palestinian territory was finalized, including, for the first time, a three-year planning-horizon. The plan requires $539.7 million for 2018 to address urgent humanitarian needs throughout the occupied Palestinian territory, but to date it is only funded by 23 per cent.

34. On 2 July 2018, the Knesset passed a new law reducing the clearance revenues Israel collects on behalf of the Palestinian Authority by an amount equal to the sums paid by the Authority, "directly or indirectly", to certain Palestinian prisoners and their families, as well as to the families of Palestinians killed or injured in attacks or alleged attacks against Israelis. According to the law, the withheld funds will be frozen and can only be released to the Authority if the Israeli Minister of Defense certifies that no such payments were made in a particular year. Implementation of this

law is expected to have a significant negative impact on the fiscal sustainability of the Authority. On 17 July, the Knesset passed an amendment transferring jurisdiction over certain petitions related to decisions by Israeli authorities in the West Bank from the High Court of Justice to the Administrative Affairs Court in Jerusalem.

35. On 30 April 2018, the Palestinian National Council convened in Ramallah for the first time in 22 years, re-electing President Abbas as Chairman. The Popular Front for the Liberation of Palestine and Hamas boycotted the meeting. In its final statement, the Council reiterated its commitment to a peaceful solution based on longstanding parameters and United Nations resolutions. The statement further mandated the Executive Committee "to suspend the recognition of Israel until it recognizes the State of Palestine on the borders of 4 June 1967 and repeals the decision to annex East Jerusalem and stop the settlements". It also endorsed the move to join various international treaties and to seek international protection for the Palestinian people.

36. Electricity outages of up to 20 hours a day continued to undermine the provision of basic services in Gaza, including a health system on the verge of collapse. Given the mass casualties and injuries in the wake of the "Great March of Return" demonstrations, alongside a chronic shortage of medicines and the limited capacities of health facilities, this situation is particularly difficult for the residents of Gaza. The majority of Palestinians in Gaza receive water for only a few hours every three to four days, with significant quantities of raw sewage discharged into the Mediterranean Sea on a daily basis. The United Nations is providing nearly 950,000 litres of emergency fuel per month for critical health, water and waste management infrastructure, constituting a temporary lifeline to the residents of Gaza.

37. The United Nations has actively tried to promote short, medium and long-term interventions to improve the economy and the deteriorating humanitarian situation in Gaza. These need for these services was the basis for discussions at the meetings of the Ad Hoc Liaison Committee in Cairo, Washington, D.C. and Brussels, on 8, 13 and 20 March 2018, respectively. The Committee worked to develop a series of priority engagements aimed at improving the electricity, water and health situations in Gaza.

38. I commend Egypt's decision to open the Rafah crossing for over 80 days during the reporting period, including the extended opening during the month of Ramadan, making it the longest uninterrupted opening of the Rafah crossing since October 2014. I hope for more regular movement through the crossing in future.

39. While playing a key role in ensuring that the Kerem Shalom crossing was kept open almost continuously despite tensions, the Government of Israel imposed a series of severe restrictions on the movement of goods on 9 and 16 July 2018 (imposed on 10 July and 17 July), in response to the launching of incendiary kites and balloons from Gaza towards Israel. On 24 July, the Israeli Ministry of Defense partially lifted the restrictions and allowed additional fuel, food and medicine to pass through the crossing, before reimposing full restrictions on 2 August. The crossing was fully reopened on 15 August. While recognizing Israel's security concerns, the full lifting of all closures within the framework of Security Council resolution 1860 (2009) is critical for the further development of the Strip. I also reiterate my call on the de facto authorities to provide full information on the two Israeli soldiers and two civilians who are being held in Gaza and to ensure their immediate release, as required under international humanitarian law.

40. The reconstruction process in Gaza continued during the reporting period, and nearly 13,500 of the 17,800 houses totally destroyed during the 2014 hostilities have now been rebuilt. The temporary Gaza Reconstruction Mechanism continues to play an important role in this regard. However, despite significant improvement since the beginning of 2018 in the number of Israeli approvals for materials to enter Gaza, there

was no significant increase in imports and the number of new submissions to the Mechanism has also declined. This is largely due to the drop in purchasing power and international assistance for reconstruction.

41. The precarious financial situation of UNRWA remains of serious concern. On 15 March 2018, the Ministers for Foreign Affairs of Egypt, Jordan and Sweden co-chaired an extraordinary ministerial conference to provide sufficient, predictable and sustained funding to UNRWA, reaffirming support for its mandate and for overcoming the Agency's unprecedented shortfall of $446 million. Despite recent crucial contributions, the shortfall remains at $217 million. I have warned that failing to address its funding shortfall will not only have serious humanitarian and developmental consequences, but also implications for regional stability. I call on all Member States to further support UNRWA in this regard.

42. The recent escalation of violence in Gaza is a painful reminder of the devastating consequences of prolonged conflict. In response to requests by Security Council members for specific actions to help prevent renewed conflict, my Special Coordinator has outlined a strategy for Gaza that includes: (a) support for the Egyptian- brokered Palestinian reconciliation process and the return of the Palestinian Authority to Gaza; (b) advancement of urgent interventions to bolster water, energy and health networks in Gaza, alongside employment-generation schemes; (c) enhancement of the capacity of the United Nations to support and to fast track project implementation; (d) and strengthening of coordination between the United Nations, the Palestinian Authority, Israel and Egypt. This approach was welcomed by the Palestinian Authority, members of the Security Council and donor countries engaged in activities in the Occupied Palestinian Territory.

43. I remain deeply concerned by the state of our collective efforts to advance a lasting political resolution to the conflict, which is now critical, and I urge key regional and international partners to re-engage and to remain steadfast in the pursuit of a two-State solution. The Middle East Quartet remains the best mechanism for achieving this goal. The 2016 report of the Quartet, which remains relevant today, clearly outlines what is needed to advance a sustainable and just peace.

44. I express my deep appreciation to my Special Coordinator, Nickolay Mladenov, for his outstanding service in what remains a challenging context. I am also most grateful to UNRWA Commissioner-General Pierre Krähenbühl for his unwavering commitment and the remarkable work carried out by his staff on behalf of Palestine refugees. I pay tribute, too, to all staff who work under difficult circumstances in the service of the United Nations.

45. I will continue to ensure that the United Nations works towards ending the Israeli occupation that began in 1967 and establishing an independent, democratic, contiguous and viable Palestinian State living side by side with Israel in peace, security and mutual recognition, with Jerusalem as the capital of both States, within the framework of a comprehensive regional settlement consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), 1860 (2009) and 2334 (2016) and in accordance with the Quartet road map, the Arab Peace Initiative, the principle of land for peace and international law.